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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,599	12/18/2001	Robert A. Marshall	062891.0574	7923
5073	7590	07/26/2007		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER MOORE JR, MICHAEL J	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 07/26/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mike.furr@bakerbotts.com  
ptomail1@bakerbotts.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,599	<b>Applicant(s)</b> MARSHALL ET AL.	
	<b>Examiner</b> Michael J. Moore, Jr.	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The indicated allowability of claims **1-4 and 7-16** is withdrawn in view of the newly discovered reference(s) to Li (U.S. 2002/0118819). Rejections based on the newly cited reference(s) follow. Accordingly, the finality of the previous Office Action has been withdrawn and prosecution is hereby reopened.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims **1-4 and 7-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muntz (U.S. 6,532,215) in view of Itri (U.S. 6,909,781), and in further view of Li (U.S. 2002/0118819).

Regarding claim 1, *Muntz* teaches a device (line card) in Figure 4 having a digital signal processor 28.

*Muntz* also teaches a transmit channel between DAC 32 and line driver 46 (first amplifier) as well as a receive channel between ADC 34 and line receiver 48 (second amplifier) coupled via hybrid coupler 50 to a medium 58 (combined channel) as shown in Figure 4.

*Muntz* also teaches POTS filter 54 (electrical component) connected to medium 58 of Figure 4.

*Muntz* also teaches switch 100 within medium 58 (combined channel) as shown in Figure 4.

*Muntz* also teaches the transmission of a TDR stimulus pulse 40 (test signal) from DAC 32 to line driver 46 of Figure 2 via multiplexer 42 and on to medium 58 (combined channel) as spoken of on column 8, lines 12-29.

*Muntz* also teaches the detection of reflections (resulting signal indicating potential fault conditions) encountered in the signal by DSP 28 (digital signal processor) of Figure 2 as spoken of on column 8, lines 30-49.

*Muntz* does not teach terminating the combined channel with a termination network that has a desired impedance.

However, *Itri* teaches a system in Figure 8 used for testing for fault conditions in a DSL system, where a tip portion 823 and ring portion 824 of a DSL line 110 (combined channel) are coupled to an isolation circuit 804 (termination network)

comprising a plurality of resistance and capacitance elements 830-835 (has desired impedance) as spoken of on column 7, line 60 – column 8, line 8.

These references are considered to be analogous art in that they are both concerned with the use of test signals to detect fault conditions in a DSL network environment.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the isolation circuit teachings of *Itri* with the teachings of *Muntz* in order to allow monitoring or testing of the tip and ring portions of the DSL line while maintaining DC isolation from the DSL line as spoken of on column 7, lines 62-64.

While *Itri* teaches the termination network as described above, *Muntz* in view of *Itri* does not teach where the desired impedance is approximately equal to a characteristic impedance of a communication line conventionally used with the line card, and where the characteristic impedance is 100 ohms.

However, *Li* teaches where the impedance of a subscriber line in the xDSL band is known to fall in the range of 100-135 ohms as spoken of on page 3, paragraph 31.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the impedance teachings of *Li* with the teachings of *Muntz* in view of *Itri* to provide a termination circuit having matched impedance that provides accurate testing of a DSL system.

Regarding claim 2, *Muntz* further teaches a hybrid coupler 50 coupling medium 58 (combined channel) to transmit and receive channels as shown in Figure 4.

Regarding claim **3**, *Muntz* does not teach where the one or more electrical components in the combined channel comprise a transformer.

However, *Itri* teaches a DSL line testing system in Figure 8 containing a scaling transformer coupled to hybrid 218.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to use a scaling transformer as in *Itri* in the system of *Muntz* in order to provide a way to adjust the voltage of incoming and outgoing signals to an appropriate level.

Regarding claim **4**, *Muntz* further teaches switch 100 (connector) within medium 58 (combined channel) as shown in Figure 4.

Regarding claim **7**, *Muntz* further teaches the transmission of a TDR stimulus pulse 40 (test signal) from DAC 32 to line driver 46 of Figure 2 via multiplexer 42 and on to medium 58 (combined channel) as spoken of on column 8, lines 12-29.

Regarding claims **8-10**, *Muntz* further teaches the detection of reflections (resulting signal indicating potential fault conditions) encountered in the signal by DSP 28 (digital signal processor) of Figure 2 as spoken of on column 8, lines 30-49.

Regarding claim **11**, *Muntz* further teaches filter network 36 within the transmit channel of device 14 as shown in Figure 4.

Regarding claim **12**, *Muntz* further teaches filter network 44 within the receive channel of device 14 as shown in Figure 4.

Regarding claim **13**, *Muntz* further teaches switch 100 within medium 58 (combined channel) as shown in Figure 4 as well as the detection of reflections

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(resulting signal indicating potential fault conditions) encountered in the signal by DSP 28 (digital signal processor) of Figure 2 as spoken of on column 8, lines 30-49.

Regarding claim **14**, *Muntz* further teaches the comparison of the actual characteristic impedances (detected signal) in medium 58 to predetermined characteristic impedances (expected signal) as spoken of on column 10, lines 6-22.

Regarding claim **15**, *Muntz* does not teach a termination network formed on the line card.

However, *Itri* teaches an analog front end system (line card) in Figure 8 containing isolation circuit 804 (termination network).

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the isolation circuit teachings of *Itri* with the teachings of *Muntz* in order to allow monitoring or testing of the tip and ring portions of the DSL line while maintaining DC isolation from the DSL line as spoken of on column 7, lines 62-64.

Regarding claim **16**, *Muntz* does not teach a termination network formed external to the line card.

*Itri* teaches an analog front end system (line card) in Figure 8 containing isolation circuit 804 (termination network).

*Itri* does not teach where the termination network is external to the line card.

However, it would have been obvious to someone of ordinary skill in the art, given the teachings of *Itri*, to have the termination circuit external rather than internal to

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the system in order to make the termination network modular in design for use with testing multiple line cards.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached at (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjm

Michael J. Moore, Jr.  
Examiner  
Art Unit 2616

  
WING CHAN  
SUPERVISORY PATENT EXAMINER  
7/23/07